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May 2, 2022

The Honorable Kenneth M. Karas
The Hon. Charles L. Brieant Jr. Federal Building
and United States Courthouse
300 Quarropas Street
White Plains, NY 10601-4150

MEMO ENDORSED

Re: 7:22-cv-00793-KMK; Plaintiff's Request for an Extension of Time Within Which to Effectuate Service on Defendant

Dear Judge Karas,

The James Law Firm, PLLC represents Plaintiff in the above captioned matter. This matter has been filed as a John Doe against the internet subscriber assigned the referenced IP address. Plaintiff respectfully requests an extension of the time within which to effectuate service on John Doe.

On January 31, 2022, Plaintiff filed the instant case against John Doe subscriber assigned IP address 68.197.204.188 claiming Defendant's direct infringement of Plaintiff's works through BitTorrent protocol [CM/ECF 1].

On February 5, 2022, Plaintiff filed a Letter Motion for Leave to File a Motion for Leave to Serve a Third-Party Subpoena Prior to a Rule 26(f) Conference in order to serve a third-party subpoena on Defendant's ISP ("Letter Motion"). [CM/ECF 6]. On March 24, 2022, the Court granted Plaintiff's Letter Motion. [CM/ECF 7].

Accordingly, on April 4, 2022, Plaintiff filed its Motion for Leave to Serve a Third-Party Subpoena Prior to a Rule 26(f) Conference in order to serve a third-party subpoena on Defendant's ISP ("Motion"). [CM/ECF 8].

To date, Plaintiff's Motion is currently pending before the Court. Without permission to serve a third-party subpoena on Defendant's ISP, Plaintiff cannot learn Defendant's identity and, therefore, is currently unable to effectuate service of process.

Pursuant to Fed. R. Civ. P. Rule 4(m), Plaintiff is required to effectuate service on the Defendant no later than May 1, 2022. Plaintiff respectfully requests that the deadline to effect

service be extended for an additional sixty (60) days, and thus the deadline to effect service be extended to June 30, 2022.

For the foregoing reasons, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Amended Complaint on Defendant be extended to June 30, 2022.

Granted.

Plaintiff's Motion for leave to serve a third-party subpoena prior to a Rule 26(f) conference is also granted. (See Dkt. No. 8.) Courts in this district have consistently granted similar requests. See, e.g., *Strike 3 Holdings, LLC v. Doe*, No. 19-CV- 5866, 2019 WL 4493342, at *1 (S.D.N.Y. Aug. 21, 2019) (“[C]ourts in this district consistently have reached the same conclusion and determined that pre-Rule 26(f) conference subpoenas are warranted in copyright infringement cases brought by Strike 3 and other similar entities.”); *Strike 3 Holdings, LLC v. Doe*, No. 18-CV-2648, 2019 WL 78987, at *3 (S.D.N.Y. Jan. 2, 2019) (“Plaintiff’s subpoena clearly seeks relevant information.”); *Strike 3 Holdings, LLC v. Doe*, No. 17-CV-9659, 2018 WL 2371730, at *2 (S.D.N.Y. May 23, 2018) (“Plaintiff’s subpoena is entirely proper.”).

The Clerk of Court is respectfully directed to terminate the pending motions. (Dkt. Nos. 8, 10.)

So Ordered.

A handwritten signature in black ink, consisting of the letters 'KMK' in a stylized, cursive font.

White Plains, NY
May 3, 2022

Respectfully Submitted,

By: /s/Jacqueline M. James
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